

रजिस्टर्ड नं० HP / 13 / SML / 2008.



# राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

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शिमला, बुधवार, 16 अप्रैल, 2008 / 27 चैत्र, 1930

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हिमाचल प्रदेश ग्यारहवीं विधान सभा

अधिसूचना

शिमला-171004, 7 अप्रैल, 2008

**संख्या वि०स०-लैज-गवरनमेंट बिल/1-46/2008.**—हिमाचल प्रदेश विधान सभा की प्रक्रिया एवं कार्य संचालन नियमावली, 1973 के नियम 140 के अन्तर्गत हिमाचल प्रदेश नगरपालिका (संशोधन) विधेयक, 2008 (2008 का विधेयक संख्यांक 11) जो आज दिनांक 7 अप्रैल, 2008 को हिमाचल

प्रदेश विधान सभा में पुरःस्थापित हो चुका है, सर्व-साधारण की सूचनार्थ राजपत्र में मुद्रित करने हेतु प्रेषित किया जाता है।

हस्ताक्षरित /—

(गोवर्धन सिंह),

सचिव,

हिमाचल प्रदेश विधान सभा।

**हिमाचल प्रदेश नगरपालिका (संशोधन) विधेयक, 2008****(विधान सभा में पुरःस्थापित रूप में)**

हिमाचल प्रदेश नगरपालिका अधिनियम, 1994 (1994 का 13) का और संशोधन करने के लिए **विधेयक**।

भारत गणराज्य के उनसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश नगरपालिका संक्षिप्त नाम। (संशोधन) अधिनियम, 2008 है।

2. हिमाचल प्रदेश नगरपालिका अधिनियम 1994 (जिसे इसमें इसके धारा 11 का पश्चात् “मूल अधिनियम” कहा गया है) की धारा 11 में— संशोधन।

(क) उपधारा (2) में “एक—तिहाई” शब्दों और चिन्ह के स्थान पर शब्द “आधा” रखा जाएगा;

(ख) उपधारा (3) में “एक—तिहाई” शब्दों और चिन्ह के स्थान पर शब्द “आधा” रखा जाएगा; और

(ग) उपधारा (4) में “एक—तिहाई” शब्दों और चिन्ह के स्थान पर शब्द “आधे” रखा जाएगा;

3. मूल अधिनियम की धारा 12 में—

धारा 12 का संशोधन।

(क) उपधारा (2) में “एक— तिहाई” शब्दों और चिन्ह के स्थान पर शब्द “आधा” रखा जाएगा;

(ख) उपधारा (3) में “एक— तिहाई” शब्दों और चिन्ह के स्थान पर शब्द “आधा” रखा जाएगा; और

(ग) उपधारा (4) में “एक— तिहाई” शब्दों और चिन्ह के स्थान पर शब्द “आधे” रखा जाएगा।

**उद्देश्यों और कारणों का कथन**

हिमाचल प्रदेश नगरपालिका अधिनियम, 1994 (1994 का अधिनियम संख्यांक 13), नगरपालिकाओं में प्रत्येक स्तर पर सीधे निर्वाचन द्वारा भरे जाने वाले कुल स्थानों की संख्या का एक तिहाई महिलाओं के लिए आरक्षित करने का उपबन्ध करता है। अब नगरपालिकाओं में महिलाओं के विद्यमान एक तिहाई आरक्षण को, राजस्थान और मध्यप्रदेश की तर्ज पर निचले स्तर पर उनकी भागीदारी में वृद्धि करने के आशय से, बढ़ाकर एक बटा दो करने का विनिश्चय किया गया है। इसलिए पूर्वोक्त अधिनियम की धारा 11 और 12 को उपयुक्त रूप से संशोधित किया जाना प्रस्तावित है। इससे पूर्वोक्त अधिनियम में संशोधन किए जाने आवश्यक हो गए हैं।

यह विधेयक उपर्युक्त उद्देश्यों की पूर्ति के लिए है।

**प्रेम कुमार धूमल,**  
मुख्य मंत्री।

शिमला:

तारीख: ..... 2008

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**वित्तीय ज्ञापन**

— शून्य—

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**प्रत्यायोजित विधान सम्बन्धी ज्ञापन**

— शून्य—

**हिमाचल प्रदेश नगरपालिका (संशोधन) विधेयक, 2008**

हिमाचल प्रदेश नगरपालिका अधिनियम, 1994 (1994 का 13) का और संशोधन करने के लिए  
**विधेयक ।**

**प्रेम कुमार धूमल,**  
मुख्य मन्त्री ।

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**जे० एन० बारोवालिया,**  
प्रधान सचिव (विधि) ।

शिमला :

तारीख : ..... 2008

**THE HIMACHAL PRADESH MUNICIPAL (AMENDMENT)  
BILL, 2008**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

**BILL**

*further to amend the Himachal Pradesh Municipal Act, 1994(13 of 1994).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the  
Fifty-ninth Year of the Republic of India as follows:—

Short title.           **1.**       This Act may be called the Himachal Pradesh Municipal  
(Amendment) Act, 2008.

Amendment  
of section  
11.           **2.**       In section 11 of the Himachal Pradesh Municipal Act, 1994  
(hereinafter referred to as the “principal Act”),—

- (a)     in sub-section (2), for the words and sign “One-third”, the  
words and sign “One-half” shall be substituted;
- (b)     in sub-section (3), for the words and sign “One-third”, the  
words and sign “One-half” shall be substituted; and
- (c)     in sub-section (4), for the words and sign “one-third”, the  
words and sign “one-half” shall be substituted.

Amendment  
of section  
12.           **3.**       In section 12 of the principal Act,—

- (a)     in sub-section (2), for the words and sign “One-third”, the  
words and sign “One-half” shall be substituted;
- (b)     in sub-section (3), for the words and sign “One-third”, the  
words and sign “One-half” shall be substituted ; and
- (c)     in sub-section (4), for the words and sign “one-third”, the  
words and sign “one-half” shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

The Himachal Pradesh Municipal Act, 1994 (Act No 13 of 1994) provides for reservation of one-third of the total number of seats in the municipalities for women at every level, to be filled by direct election. Now, it has been decided to enhance existing one-third reservation to one-half to the women in the Urban Local Bodies, with a view to increase their participation at the grass-root level on the analogy of Rajasthan and Madhya Pradesh. Therefore, it is proposed to amend section 11 and section 12 of the Act *ibid*. This has necessitated amendments in the Act *ibid*.

This Bill seeks to achieve the aforesaid objectives.

**(PREM KUMAR DHUMAL)**

*Chief Minister.*

SHIMLA:

The , 2008.

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**FINANCIAL MEMORANDUM**

-NIL-

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

-NIL-

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**THE HIMACHAL PRADESH MUNICIPAL (AMENDMENT) BILL, 2008**

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**A****BILL**

further to amend the Himachal Pradesh Municipal Act, 1994 (13 of 1994).

**(PREM KUMAR DHUMAL)**  
*Chief Minister.*

**(J. N. BAROWALIA)**  
*Principal Secretary (Law).*

SHIMLA :

*The* 2008.



## हिमाचल प्रदेश ग्यारहवीं विधान सभा

संख्या:वि०स०-विधायन-प्रा०/ 1-21/2008 विनांक, शिमला-171004 11-4-2008

### अधिसूचना

हिमाचल प्रदेश विधान सभा 11 अप्रैल, 2008 को सम्पन्न हुई बैठक की समाप्ति पर अनिश्चित काल के लिए स्थगित हुई ।

(गोवर्धन सिंह),  
सचिव,  
हि० प्र० विधान सभा ।

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### HIMACHAL PRADESH ELEVENTH VIDHAN SABHA

#### NOTIFICATION

*Shimla-171004, the 11<sup>th</sup> April, 2008*

**No. V.S.- Legn.-Pre /1-21/2008.**— The Himachal Pradesh Legislative Assembly adjourned sine-die with effect from the close of its sitting held on the 11th April, 2008.

GOVERDHAN SINGH,  
*Secretary,*  
*H.P. Vidhan Sabha.*

**LABOUR & EMPLOYMENT DEPARTMENT****NOTIFICATION**

*Shimla-2, the 11<sup>th</sup> April, 2008*

**No: Shram (A) 6-4/2008(Arbitration).**— In exercise of powers vested in him under Sub Section 2 & 3 of Section 10(A) of the Industrial disputes Act, 1947, and Rules 7, 8 & 9 of Industrial Dispute Rules 1974 the Governor, Himachal Pradesh is pleased to order the publication of Arbitration case on the issue of dispute between “Kol Dam Worker’s Union, Kyan, Distt. Mandi and M/S Italian-Thai Development Public Company Ltd.” on the website of Labour & Employment Department is as under:-

**FORM- “C”**

(See Rule 7) AGREEMENT

(Under section 10-A of the Industrial Disputes Act, 1947) between

**Name of Parties :** 1. Koldam Worker’s Union(CITU), 2 ITD Public Co. Ltd.; NPC Ltd. Representing Employers: Mr Hemraj Sharma, ITDPCL & Mr Surender Pal, NTPC Ltd. Representing Workmen: Mr Raj Kumar, Santosh Kumar, Ravinder Kumar, Rakesh Singha & Lakhan Pal Sharma.

It is hereby agreed between the parties, to refer the following industrial disputes to the arbitration of Shri B.S.Chauhan, District & Session Judge(Retd.)

- (i) Specify matters in dispute :- As per Memorandum of Settlement
- (ii) Detail of the parties to the dispute including the name of the establishment or undertaking involved :- As per Memorandum of settlement
- (iii) Name of the union, if any, representing the workmen in question :- Koldam Workers Union(CITU)
- (iv) (Total number of workmen employed in the undertaking affected :- about 193 Nos

- (v) Estimated number of workmen affected or likely to be affected by the dispute :-  
about 1600 Nos

The majority decision of the arbitrators shall be binding on us.

The arbitrator(s) shall make his (their) award as per the Memorandum of Settlement within 15 days from the date of publication.

In case the award is not made as per Memorandum of Settlement, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of parties	Sd/-
Representing employer:	Sd/-
Representing workmen	Sd/-
Witness:	Sd/-

Copy to:-

- (i) The Conciliation officer of the area concerned
- (ii) The Labour Commissioner, Government of Himachal Pradesh, Shimla
- (iii) The Secretary to the Government of Himachal Pradesh Labour Department, Shimla

**Settlement under Section-18 of Industrial Disputes Act, 1947**

- |                               |   |
|-------------------------------|---|
| 1. <i>Workers Union:</i>      | The President & General Secretary,<br>Koldam Workers Union(CITU)<br>Regd. No. 1032, Village Kayan<br>PO: Slapper, Tehsil: Sundernagar<br>Distt: Mandi, H.P. |
| 2. <i>Contractor Company:</i> | The Project Manager<br>Italian-Thai Development Public<br>Company Ltd.  |

3. *Principal Employer :* The General Manager  
Koldam Hydro Electric Project, NTPC  
Ltd. PO: Barmana, Distt: Bilaspur, HP

### **Representatives of Parties**

1. *Contractor Company :* Sheri Hemraj Sharma, Manager(HR)  
Italian-Thai Development Public  
Company Ltd., Village: Kayan, PO:  
Slapper Tehsil: Sundernagar, Distt:  
Mandi, HP
2. *Principal Employer :* Sheri D.K.Patel  
Chief Manager(HR)  
Koldam Hydro Electric Project, NTPC  
Ltd. PO: Barmana, Distt: Bilaspur(HP)
3. *Worker's Union :* Sheri Ravinder Kumar  
President, State CITU Committee

It is hereby agreed between the Koldam Workers Union (CITU), Regd. No. 1032, Village: Kayan, PO: Slapper, Tehsil: Sundernagar, Distt: Mandi, HP; M/S Italian-Thai Development Public Company. Village: Kayan, PO: Slapper, Tehsil: Sundernagar, Distt: Mandi, HP; and M/S Koldam Hydro Electric Project, NTPC Ltd., VPO: Barmana, Distt: Bilaspur (HP) that in pursuant to the settlement dated-9th April, 2008 (copy enclosed) that:

1. The parties shall pay fees for Arbitrator for adjudication of the issues of dispute between the parties as already reduced in writing in the above stated settlement dated 9th April 2008. The amount of fee shall be Rs 50000/- (Fifty Thousand only) plus Rs 2000/- (Two Thousand only) ministerial expenses Half of the fees amounting to Rs 25000/- shall be paid on the starting of the proceedings of the arbitration and remaining Rs 25000/- plus ministerial expenses shall be paid when the award in the arbitration is submitted by the arbitrator to the Govt. as required under section 10-A of the Industrial Disputes Act, 1947 ITD has agreed to pay 50% of the amount and the remaining will be paid by others

2. The proceedings of the meetings shall be held at Shimla. However the venue shall be decided by the parties with the consent of the parties.

Signature of Parties

Representing Employers Sd/

Representing Workmen Sd/

-

Witness:

1. Sd/

-

2. Sd/

-

Copy to:

1. The Additional Chief Secretary – cum- Pr. Secretary (Lab & Emp) to the Govt. of Himachal Pradesh
2. Labour Commissioner, HP, Shimla-I
3. Joint Labour Commissioner, HP, Shimla-I
4. The Conciliation Officer – cum- Labour Officer, Mandi, HP

**FORM- 'I'**  
(RULE-62)**FORM FOR MEMORANDUM OF SETTLEMENT****A. NAME OF THE PARTIES :**

1. *Workers Union :* The President & General Secretary,  
Koldam Workers Union(CITU)  
Regd. No. 1032, Village Kayan  
PO: Slapper, Tehsil: Sundernagar  
Distt: Mandi, H.P.
2. *Contractor Company :* The Project Manager  
Italian-Thai Development Public  
Company Ltd. Village Kayan  
PO: Slapper, Tehsil: Sundernagar  
Distt: Mandi, H.P.  
Regd. Office:- Itazlthai Tower, 2034/132  
161, New Petchburi Road, Bandapi,  
Huay Kwang Bangkok-10320, Thailand
3. *Principal Employer :* The General Manager  
Koldam Hydro Electric Project, NTPC  
Ltd. PO: Barmana, Distt: Bilaspur, HP

**B. AUTHORIZED REPRESENTATIVES :**

1. *Contractor Company :* Sheri Hemraj Sharma, Manager(HR)
2. *Principal Employer :* Sheri Surender Pal, Sr. Officer(HR)

**3. Worker's Union :**

1. Mr Raj Kumars, President of the union
2. Mr Santosh Kumar, General Secretary  
Of the union
3. Mr Ravinder Kumar, President State  
CITU Committee
4. Mr Rakesh Singha, Vice President  
State CITU Committee
5. Mr Lakhan Pal Sharma, Joint  
Secretary  
State CITU Committee

**C. SHORT RECITAL OF THE CASE:**

1. The General Secretary, Koldam Workers Union(CITU), Koldam Hydro Electric Project, Village Kayan, PO: Slapper, Tehsil Sundernagar, Distt: Mandi(HP), Employee(s)/Trade Union of the establishment raised Demand Notices/letters dated 24.10.2007, 01.12.2007, 22.12.2007, and 26.12.2007 under section 2(k) of the Industrial Disputes Act, 1947 and the Industrial Rules, 1974, alleging that services of regular workmen/ employees and workmen on fixed term employment working with the above said employer at Sl. No. A-2 i.e. the Project Manager, Italian-Thai Development Public Company Ltd., Vill. Kayan, PO Slapper, Tehsil Sundernagar, Distt: Mandi(HP) Regd. Office: Itazlthai Tower, 2034/132-161, New Petchburi Road, Bandapi, Huay Kwang, Bangkok-10320, Thailand, have been retrenched in contravention of the provisions of Section 25N and other provisions of the Industrial Disputes Act, 1947 & Rules made there under and demanded, not to terminate/retrench the services in violation of provisions of the Ibid Act and Rules made there under, and also demanded the implementation of the provisions of the said Act and along with other relevant Labour Laws and Agreement etc.. The copies of said Demand Notices/letters are already addressed/endorsed to the above employers, with copies to the authorities of the Labour Department (along with others). The Management of the Company i.e. M/S Italina-Thai Development Public Company Ltd., Vill: Kayan, PO: Slapper, Tehsil Sundernagar, Distt: Mandi(HP) denied the allegations of the Union.

3. The Conciliation proceedings were convened and held by the Labour Officer-cum-Conciliation Officer, Mandi Zone, Mandi w.e.f. November, 2007 to 28.03.2008 and industrial dispute(s) could not be resolved, therefore, report under section 12(4) of the Ibid Act was submitted to the Labour Commissioner, Himachal Pradesh to make efforts to resolve the disputes between the parties by way of conciliation. Accordingly the Jt. Labour Commissioner-cum-Conciliation Officer, Himachal Pradesh convened and held conciliation proceeding on 03.04.2008, 07.04.2008, 08.04.2008 and 09.04.2008 and after long deliberations, the parties arrived at an Agreement as under:

#### **D. TERMS OF AGREEMENT :**

1. The Parties to the industrial dispute(s) agreed to refer the dispute(s) for Voluntary Arbitration as prescribed in Section 10-A of the Industrial Disputes Act, 1947 & Rules made there under. It is further agreed upon that Shri B.S. Chauhan, District and Session Judge(Retired) will be 'Arbitrator', who shall submit Arbitration Award to the Principal Secretary Labour & Employment to the Government of Himachal Pradesh Shimla – 171002. In this context it is added that both the parties have obtained the consent of the above said Sh. B.S. Chauhan for Voluntary Arbitration.

2. The following shall be the issues for Arbitration:

- (a)' Whether termination of services of regular/permanent workmen, by giving three months advance notice as per certified Standing Orders, by the Management of M/ S Italian-Thai Development Public Company Ltd. Vill: Kayan, PO: Slapper, Tehsil Sundernagar, Distt: Mandi, Regd. Office: Itazlthai Tower, 2034/132-161, New Petchburi Road, Bandapi, Huay Kwang, Bangkok-10320, Thailand (Contractor Company); through its sub-contractors, without following the procedure of retrenchment, as prescribed in Section 25N or 25F and others provisions of the Industrial Dispute Act, 1947 and rules framed hereunder, is legal and justified? If not, what procedure, the Management of aforesaid Contractor Company and its sub-contractors shall follow to compensate the workers/workmen affected by unlawful action of the above said employer i.e. M/S Italian-Thai Development Public Company Ltd. As laid down in the Ibid Acts and Rules and further to complete the statutory requirement in this regard as required under the above said Act and Rules made there under.



- (b) ' Whether termination of services of employees/workmen of fixed term employment by not giving three months advance notice as per certified Standing Orders, by the Management of M/s Italian-Thai Development Public Company Ltd. Vill: Kayan, PO: Slapper, Tehsil Sundernagar, Distt: Mandi, Regd. Office: Itazlthai Tower, 2034/132-161, New Petchburi Road, Bandapi, Huay Kwang, Bangkok-10320, Thailand (Contractor Company); through its sub-contractors, without following the procedure of retrenchment , as prescribed in Section 25N or 25F and other provisions of the Industrial Disputes Act, 1947 and rules framed hereunder, is legal and justified? If not, what procedure, the Management of aforesaid Contractor Company and its sub-contractors shall follow to compensate the fixed term employee/workmen affected by unlawful action of the above said employer i.e. M/s Italian-Thai Development Public Company Ltd. As laid down in the Ibid Acts and rules and further to complete the statutory requirements in this regard as required under the above said Act and Rules made there under.'

3. The parties to the Industrial Dispute(s) shall submit their own consent along with the consent of the Arbitrator in person or through Registered post in the prescribed Form 'C' (enclosed) under Rule 7 of the Industrial Disputes Rules, 1974 to the Principal Secretary Labour & Employment to the Government of Himachal Pradesh, through Labour Commissioner, New Himrus Building Shimla -171001.

4. The Worker's union shall call off the strike (which has been w.e.f. 25.03.08 at 11 am onwards) , as and when notification for aforesaid Voluntary Arbitration is notified by the State Government.

5. The Management shall not victimize/take disciplinary action on account of any act that has taken place in pursuance of strike.

6. The status quo shall be maintained meaning thereby there shall be no retrenchment/ termination of regular workmen/employee. Fixed term employee shall not be terminated except in accordance with law. However, terminations based upon disciplinary action may be done in accordance with law.

**E SIGNATURES OF THE REPRESENTATIVES OF THE PARTIES :**

1.	CONTRACTOR COMPANY	Mr Hemraj Sharma, Manager(HR)	Sd/-
2.	PRINCIPAL EMPLOYER	Mr Surender Pal, Sr. Officer(HR)	Sd/-
3.	WORKER'S UNION	1. Mr. Raj Kumar, President of the Union	Sd/-
		2. Mr. Santosh Kumar, General Secretary of the Union	Sd/-
		3. Mr. Ravinder Kumar, President State CITU Committee	Sd/-
		4. Mr. Rakesh Singha, Vice President State CITU Committee	Sd/-
		5. Mr. Lakahn Pal Sharma, Joint Secretary State CITU Committee	Sd/-

**WITNESS :**

1.	Sh. S.K. Kaushal, Labour Officer, Mandy & Bilaspur Zone, MandI (HP)	Sd/-
2.	Sh Mohinder Singh, DGM(HR) NTPC Hydro Region Hq. Noida	Sd/-
3.	Sh Sanjay Singh, DGM(HR) NTPC-CC Delhi	Sd/-

This settlement has been arrived at during the conciliation proceeding held on 09.04.2008 in the Directorate of Labour and Employment, Shimla and has been registered.

Sd/-  
S. C. AWASTHI,  
*Joint Labour Commissioner-cum-Conciliation Officer,  
Directorate of Labour & Employment,  
New Hiramus Building, Shimla – 171001(HP).*

Copies to parties:

(a) 1. The President & General Secretary, Koldam Workers Union(CITU), Regd. No. 1032, Village Kayan, PO: Slapper, Tehsil Sundernagar, Distt: Mandi(HP)

2. The Project Manager, Italian-Thai Development Public Company Ltd., Village Kayan, PO: Slapper, Tehsil Sundernagar, Distt: Mandi(HP)

3. The General Manager, Koldam Hydro Electric Project NTPC Ltd. VPO: Barmana, Distt: Bilaspur(HP)

4. M/s A.K.S Engineers & Contractor, Sub-contractor C/O Italian-Thai Development Public Company Ltd. Village Kayan, PO: Slapper, Tehsil Sundernagar, Distt: Mandi(HP)

5. M/s U.R. Infrastructure Co. Pvt. Ltd., Sub-contractor C/O Italian-Thai Development Public Company Ltd. Village Kayan, PO: Slapper, Tehsil Sundernagar, Distt: Mandi(HP)

6. M/s A.H.P.C.C. Pvt. Ltd., Sub-contractor C/O Italian-Thai Development Public Company Ltd. Village Kayan, PO: Slapper, Tehsil Sundernagar, Distt: Mandi(HP)

(b) 1. The Addl. Chief Secretary – cum0- Principal Secretary to the Government of Himachal Pradesh, Shimla – 171002

2. The Labour Commissioner-cum- Director of Employment Himachal Pradesh, Shimla

3. The Labour Officer cum Conciliation Officer, Mandy and Bilaspur Zones, at Mandi (HP)

4. Labour Inspector, Bilaspur & Sundernagar, Himachal Pradesh

Sd/-  
S.C. AWASTHI  
*Joint Labour Commissioner*  
*Cum conciliation officer*  
*Directorate of Labour & Employment*  
*New Himrus Building Shimla – 171001(HP)*

By order,  
Sd/-  
*Additional Chief Secretary.*